SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1914.

CASE NO. 572.

THE TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS, THE ST. LOUIS MERCHANTS' BRIDGE TERMINAL RAILWAY COMPANY, THE WIGGINS FERRY COMPANY *et al.*, Appellants,

vs.

UNITED STATES.

Motion of Appellants to Consolidate This Case with Case No. 567 and Case No. 452, and to Advance Hearing of This Case and No. 567 so as to be Heard Conjointly with No. 452.

Come now the appellants and respectfully show the court:

I.

That on April 22nd, 1912, this court rendered an opinion in the case of the United States v. Terminal Railroad Association of St. Louis *et al.*, 224 U. S., 383; 56 Law. Ed. 810, and pursuant to said opinion and man-

date, the Circuit Judges of the Eighth Circuit, sitting in the District Court of the United States for the Eastern Division of the Eastern Judicial District of Missouri, on the second day of March, 1914, entered a final decree in the said cause, from which final decree the United States, on the 27th day of March, 1914, appealed to this court and assigned errors, alleging that said final decree was in conflict with the opinion of this court; that the appeal of the United States has been duly and regularly docketed in this court, and now bears the docket number of 452 on the docket of this October term, 1914, and upon motion of the United States, has been advanced and set for hearing on the 13th day of October, 1914, in this court.

II.

That on the 20th day of June, 1914, these appellants appealed to this court from an order of the District Court overruling their motion to modify said final decree filed on the 28th day of March, 1914, and said appeal has been duly and regularly docketed as Case No. 572 of the October term, 1914, of this court.

III.

That on June 20th, 1914, the Evens and Howard Fire Brick Company and the Union Sand and Material Company appealed to this court from an order of said District Court denying their application to intervene, filed on the 12th day of April, 1914, in order that said final decree might be modified, and said appeal has been duly and regularly docketed in this court and bears the docket number of Case No. 567 of the October term, 1914, of this court.

IV.

That counsel for Evens and Howard Fire Brick Company and the Union Sand and Material Company have

prepared and will timely file a motion asking this court that its appeal, Case No. 567, be consolidated with Case No. 572 and Case No. 452, and that all said cases be heard together on the same date as one consolidated case in order that all the questions involved in the three appeals may be settled and adjudicated contemporaneously.

V.

That all three of said appeals involve the interpretation and construction of the decision of this court rendered in the said case of the United States v. Terminal Railroad Association of St. Louis *et al.*, on the 22nd day of April, 1912, and also involve the determination of the correct meaning of said decision as to whether or not the said final decree entered in said cause by the District Court of the United States for the Eastern Division of the Eastern Judicial District of Missouri is in compliance with the opinion and mandate of this court; that each of the appellants in said three cases is contending for a different construction of said decision, and each of the appellants insists that the construction put upon said final decree by the other appellants is erroneous, and each of said appellants is seeking the modification of said final decree in some particular substantially affecting its interests, and each of said appellants insists that said final decree is erroneous in many respects, but all appellants differ from the others as to the errors specified; that any ruling made by this court upon any one of said appeals, without giving the other appellants an opportunity to be heard, is reasonably calculated to work injustice and hardship upon the appellant not so heard; that the questions involved in said three appeals are so essentially connected and so elementally involved one with the other, that all three appeals should be heard at one and the same time in order that the ends of justice

may be reached; that it will lessen the work and labor of this court if said appeals be consolidated and heard as one cause, and such consolidation will greatly aid and assist this court in the discharge of its work and labor in connection with the decision of the questions involved in said three appeals.

The premises considered, these appellants pray that this court will make an order consolidating this Case No. 572 and Case No. 567 with Case No. 452, all of the October term, 1914; and that this Case No. 572, and Case No. 567 be advanced and set for hearing on the 13th day of October, 1914, and heard conjointly on that day with Case No. 452.

Notice of this motion has been given opposing counsel.

Respectfully submitted,

H. S. PRIEST,

T. M. PIERCE,

Solicitors for Appellants.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1914.

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NOTICE.

To the United States of America, Evens and Howard Fire Brick Company and the Union Sand and Material Company:

You will take notice that on the twelfth day of October, 1914, the Terminal Railroad Association of St. Louis, and the other appellants in the above styled cause, will file in, and present to, the Supreme Court of the United States, a motion to consolidate the appeals in this Case No. 572 and Case No. 567 with Case No. 452, all of the October term, 1914, of the Supreme Court of the United States, and to advance this Case No. 572 and Case No. 567 on the docket so that all three cases so appealed, may be heard jointly on the twelfth day of October, 1914.

H. S. PRIEST,
T. M. PIERCE,
Solicitors for Appellants.

Service of the foregoing notice, with a copy of the motion to consolidate and advance, and statement in support thereof, is hereby acknowledged, this
day of September, 1914.

Special Assistant to the Attorney General of the United States.

Solicitors for Evens and Howard Fire Brick Company and Union Sand and Material Company.